

D. Victoria Baranetsky (Cal. Bar No. 311892)  
 THE CENTER FOR INVESTIGATIVE  
 REPORTING  
 1400 65th St., Suite 200  
 Emeryville, CA 94608  
 vbaranetsky@revealnews.org  
 Telephone: (510) 982-2890

Attorney for Plaintiff

**UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION**

THE CENTER FOR INVESTIGATIVE  
 REPORTING,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF  
 JUSTICE,

Defendant.

Case No. 3:17-cv-06557-JSC

**DECLARATION OF D. VICTORIA  
 BARANETSKY IN SUPPORT OF  
 OPPOSITION TO DEFENDANT'S  
 MOTION FOR SUMMARY JUDGMENT  
 AND CROSS MOTION FOR SUMMARY  
 JUDGMENT**

Date: June 28, 2018, 9:00 a.m.  
 Courtroom: F, 15<sup>th</sup> Floor  
 U.S. District Courthouse  
 450 Golden Gate Avenue  
 San Francisco, California

Judge: Hon. Jacqueline S. Corley  
 Complaint Filed: Nov. 13, 2018

I, D. VICTORIA BARANETSKY, declare:

1. I am an attorney of record for the plaintiff in this matter and a member in good standing of the California State Bar, and am admitted to practice before this Court. I have personal knowledge of the matters stated in this declaration. If called upon to do so, I am competent to testify to all matters set forth herein.

2. I am General Counsel at The Center for Investigative Reporting, which is a nonprofit

1 established under the laws of California with its principal place of business in Emeryville, CA.

2 3. Attached hereto as Exhibit 1 is a true and correct copy of a statement from the ATF's  
3 website: ATF, *Who We Are*, available at <https://bit.ly/2mOw4tr>.

4 4. Attached hereto as Exhibit 2 is a true and correct copy of the following report for  
5 Congress: William J. Krouse, *Gun Control: Statutory Disclosure Limitations on ATF Firearms*  
6 *Trace Data and Multiple Handgun Sales Reports* 2, May 27, 2009, <https://bit.ly/1WKHeZJ>.

7 5. Attached hereto as Exhibit 3 is a true and correct copy of the following newspaper  
8 article: David Olinger, *Police Guns In The Hands Of Criminals*, THE DENVER POST, Sept. 20, 1999,  
9 <https://dpo.st/2s1kdKP>.

10 6. Attached hereto as Exhibit 4 is a true and correct copy of the following newspaper  
11 article: John Diedrich, *Wiped Clean*, MILWAUKEE JOURNAL SENTINEL, Jan. 3, 2010,  
12 <https://bit.ly/2kfY4nz>.

13 7. Attached hereto as Exhibit 5 is a true and correct copy of the following newspaper  
14 article: John Diedrich & Ben Poston, *Ineffective Rules Let Gun Stores Endure*, MILWAUKEE  
15 JOURNAL SENTINEL, Dec. 15, 2010, <https://bit.ly/2IGKS5Z>.

16 8. Attached hereto as Exhibit 6 is a true and correct copy of the following newspaper  
17 article: James V. Grimaldi & Sari Horowitz, *Industry Pressure Hides Gun Traces, Protects Dealers*  
18 *From Public Scrutiny*, WASH. POST, Oct. 24, 2010, <https://wapo.st/WDiqts>.

19 9. Attached hereto as Exhibit 7 is a true and correct copy of the following newspaper  
20 article: Erica Good & Sheryl Gay Stolberg, *Legal Curbs Said to Hamper ATF in Gun Inquiries*,  
21 N.Y. TIMES, Dec. 12, 2012, <https://nyti.ms/2s0V1nr>.

22 10. Attached hereto as Exhibit 8 is a true and correct copy of an ATF press release: ATF,  
23 Press Release, *ATF Releases 2016 U.S. Firearms Trace Data Report*, Sept. 29, 2017,  
24 <https://bit.ly/2KOkdVr>.

25 11. Attached hereto as Exhibit 9 is a true and correct copy of a fact sheet posted by the  
26 ATF on its website: ATF, *Fact Sheet – eTrace: Internet-Based Firearms Tracing and Analysis*  
27 (March 2016), available at <https://bit.ly/2LoxMvF>.

28 12. Attached hereto as Exhibit 10 are true and correct copy of excerpts of the City of

1 Chicago's government trace report: City of Chi., *Gun Trace Report* (2017), available at  
2 <https://bit.ly/2yYMtjq>.

3 13. Attached hereto as Exhibit 11 are true and correct copies of excerpts of the following  
4 government report: Office of Attorney Gen. of N.Y., *Target on Trafficking: New York Crime Gun*  
5 *Analysis*, 36 (Oct. 24, 2016). The full report is available at <https://on.ny.gov/2GIAiJA>.

6 14. Attached hereto as Exhibit 12 is a true and correct copy of an excerpt of the following  
7 court filing: Defendant's Brief in Opposition to Plaintiff's Motion to Supplement the  
8 Administrative Record at 5, n.2, *Ron Peterson Firearms, LLC v. Jones*, No. 11-cv-00678 (D.N.M.  
9 Mar 30, 2012) (ECF 43).

10 15. Attached hereto as Exhibit 13 is a true and correct copy of an excerpt of the following  
11 court filing: Defendant's Brief in Opposition to Intervenor Plaintiff's Motion to Supplement the  
12 Administrative Record at 5, n.2, 10 *Ring Precision, Inc., et al. v. Jones*, No. 11-cv-00663 (W.D.  
13 Tex. March 26, 2012) (ECF 42).

14 16. Attached hereto as Exhibit 14 is a true and correct copy of an excerpt of the following  
15 court filing: ATF Administrative Record 0388-0696, *Nat'l Shooting Sports Foundation, Inc. v.*  
16 *Melson*, No. 11-cv-01401 (D.D.C. Sept. 12, 2011) (ECF 22-6)

17 17. Attached hereto as Exhibit 15 is a true and correct copy of the following news article:  
18 Christina Jewett, *New California Law Could Keep Guns Away From People Like Omar Mateen*,  
19 REVEAL, June 15, 2016, <https://bit.ly/2x4I80S>.

20 18. Attached hereto as Exhibit 16 is a true and correct copy of the following news article:  
21 *America's Gun Culture In 10 Charts*, BBC.COM, Nov. 6, 2017, <https://bbc.in/2kkm6ka>.

22 19. Attached hereto as Exhibit 17 is a true and correct copy of the following news article:  
23 Max Fisher & Josh Keller, *What Explains U.S. Mass Shootings. International Comparisons*  
24 *Suggest An Answer*, N.Y. TIMES, Nov. 7, 2017, <https://nyti.ms/2iEcCMq>.

25 20. Attached hereto as Exhibit 18 is a true and correct copy of the following news article:  
26 Dan Friedman, *How the Government Makes Gun Records Impossible to Trace*, VICE, Sept. 6, 2016,  
27 <https://bit.ly/2xXcW2t>.

28 21. Attached hereto as Exhibit 19 is a true and correct copy of the following news article:

1 Annie Linskey, *NRA Has Long History of Suppressing Data On Gun Violence*, BOSTON GLOBE,  
2 Mar. 25, 2018, <https://bit.ly/2IY1B52>.

3 22. Attached hereto as Exhibit 20 are true and correct copies of excerpts of the following  
4 government report: Office of Inspector Gen., *Executive Summary, Audit of the Bureau of Alcohol,*  
5 *Tobacco, Firearms and Explosives Controls Over Weapons, Munitions, and Explosives* (2018).  
6 The full report is available at <https://bit.ly/2x6nBZC>.

7 23. Attached hereto as Exhibit 21 is a true and correct copy of the following news article:  
8 Jessica Chasmar, *Seattle To Destroy \$30K In Used Police Guns So They Don't Get 'Into The*  
9 *Wrong Hands'*, THE WASH. TIMES, June 30, 2016, <https://bit.ly/2LoNjMa>.

10 24. Attached hereto as Exhibit 22 is a true and correct copy of the following news article:  
11 Greg Moran & Lyndsay Winkley, *ATF Warns Southern California Law Enforcement Officers May*  
12 *Be Illegally Selling Guns*, SAN DIEGO UNION-TRIBUNE, April 12, 2017, <https://bit.ly/2ouZuxw>.

13 25. Attached hereto as Exhibit 23 is a true and correct copy of the following news article:  
14 Scott Glover, Scott Bronstein & Drew Griffin, *Cop Convicted Of Illegal Gun Dealing Sold Weapon*  
15 *Used in Murder*, CNN.COM, May 2, 2018, <https://cnn.it/2jIleHI>.

16 26. Attached hereto as Exhibit 24 is a true and correct copy of the statement of Josh  
17 Horwitz, Executive Director of the Coalition to Stop Gun Violence at the Congressional hearing,  
18 titled *Hearing on Restrictions Imposed on the Bureau of Alcohol, Tobacco, Firearms and*  
19 *Explosives Concerning the Release of Crime Gun Trace Data*, 110th Cong. 413 (2007).

20 27. Attached hereto as Exhibit 25 is a true and correct copy of the statement of Paul  
21 Helmke, then-President of the Brady Center to Prevent Gun Violence at the Congressional hearing,  
22 titled *Hearing on Restrictions Imposed on the Bureau of Alcohol, Tobacco, Firearms and*  
23 *Explosives Concerning the Release of Crime Gun Trace Data*, 110th Cong. 413 (2007).

24 28. Attached hereto as Exhibit 26 is a true and correct copy of excerpts of the records  
25 containing aggregate trace data disclosed by the DOJ through this litigation.

26 I declare under penalty of perjury of the laws of the State of California that the  
27 foregoing is true and correct to the best of my knowledge and belief.  
28

Executed May 24, 2018 in Emeryville, California.

/s/

D. Victoria Baranetsky